

5. **Withdrawal of exemptions from Section 6.1.2 of the Tobacco Act for catering and accommodation establishments, and**
6. **Repeal of the stipulation on exemptions from partitioning into zones in canteens**

The proposal in Item 5 will be strongly objected to by the hotel and restaurant trade, and the NHO and hopefully the Norwegian federation of Trade Unions will object to the amendment proposal in Item 6. We should probably deal with Items 5 and 6 together, as they have done in the document circulated for comment – and more on grounds of principle than at the practical level on which the bodies concerned will probably concentrate.

The elements we must deal with are:

- the medical basis
- the wishes of the hotel and restaurant guests/employees
- the real need for change
- that the tightening-up is not in accordance with the bill Ot. prp. 27 87/88 and the Storting debate on the subject
- the "signal effect" of (unreasonable) tightening-up at a time when more tolerance among people is what is necessary.

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Draft disposition for TF's official response to proposals in the letter from the Ministry of Social Affairs of the 1.6.1993 re amendments to tobacco legislation

Introduction

The statement should begin with a weighty, general section asking for genuine arguments in favour of the proposals. It should be pointed out that as yet there has been no objective/scientific follow-up testing of the existing restrictive measures despite the fact that such testing is part of the mandate of the National Council on Smoking and Health, and that it has previously been announced that this would be submitted in a proper report to the Storting (Norwegian Parliament) (which Ot. prp. 27 for 87/88 never was - perhaps because an evaluation would provide no support for the restrictive line).

It should be possible to submit that the development of consumption now shows that the restrictive Norwegian policy has had no effect other than the stigmatization of smoking and smokers. (Something on the development of consumption?)

We should probably refrain from medical comments - possibly apart from submitting (under Items 5 and 6) that there are no medical grounds indicating that one cannot have a shared eating room in the workplaces and that the present stipulations for hotels and places serving drinks can still be practiced.

We should attempt to formulate a joint conclusion - perhaps a provisional conclusion in the introductory section.

We should adapt the extent of our comments on the individual points to the extent to which other bodies/trades that are affected submit strong objections; but our statement should cover all the proposals, so that it will not appear that we are only submitting statements on issues where we have a special interest.

1. The age limit of eighteen for buying tobacco products

We should agree that smoking is a habit for adults, but should express doubts as to whether the proposal is the right approach to take.

We must refer to the countries which have considered introducing an age limit of eighteen and which have refrained from doing so, and we must cite the arguments given there. However, we must be very careful with the formulation, so that we are not perceived to be against the intentions to reduce smoking among the young. We must make sure that we do not refer to countries where the discussion turns on the issue of whether it is practically possible to enforce an age limit, since after all we already have one. We must contest/dispute claims that a lower age limit in the USA and Canada has influenced smoking habits among the young there.

This point will probably not be contested by others than us (and the "Smoke Ring"?), but we should be clear beforehand about whether the trade will have comments. (Something about the raising of the age limit of sixteen causing greater legal discrepancies with neighbouring countries and the EC?).

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2. The age limit of eighteen for selling tobacco products

We should argue against this proposal as a new and unnecessary area for restrictive policy which will also be difficult to enforce. Since the trade will probably object very strongly to the proposal, we should be able to be brief here.

3. Prohibition of sale of tobacco products from vending machines

Although this has little significance in terms of the size of the problem, we should also argue against it on the same principles as mentioned above. The extent of vending machine sales is very small, and takes place, as assumed by the Bratholm Committee, in places where observance of the age limit is monitored and in places which are on the whole little frequented by the young. Vending machines represent a rational sales form, especially in hotels and in canteens where people are spared the bother of keeping track of the cash in alternative small sales outlets, and the hotel and restaurant trade will probably be strongly against the proposal.

4. Ban on indirect tobacco advertising and tightening-up of the advertising ban

The proposal for the amendments in the memorandum circulated for comment covers more ground than Item 4 of the initial letter circulated, which is limited to a ban on advertising for other products than tobacco goods which use tobacco brand names and the ban on the use of trade marks known already for new tobacco products.

We should argue firmly and clearly against the importance of advertising for total consumption of tobacco products (cf. the last article in INFOTOPICS, No. 6, Page 11). At all events, the existing very strict advertising ban needs no general tightening-up with more prohibitive stipulations.

The possibility of distributing product samples for testing purposes must be upheld, as it represents the only real possibility of testing the product in a market context. Any prohibition would in addition discriminate against Norwegian industry, since foreign products sold in Norway will have been launched first abroad without such restrictions. We should perhaps consider stating the conditions under which we consider it justified, in accordance with current legislation, to hand out free samples of tobacco products for testing purposes.

As regards the most crucial issue in this item, the ban on using tobacco trade marks in advertisements for other goods, we must submit our objections in an understanding with the foreign suppliers on the Norwegian market, on grounds of principle – that the trade mark rights are established, independent economic rights, and that they represent considerable value for the tobacco industry; and we must also clarify and have all due consideration for the arguments of the trade sector which imports the product groups affected.

A ban on the use of established trade marks for new tobacco products probably has very little practical importance, but should also be objected to on grounds of principle.

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